

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Cooper et al.

Title: NOVEL BENZOYL PEROXIDE COMPOSITIONS

Appl. No.: 10/677,857

Filing Date: 10/3/2003

Examiner: Thane E. Underdahl

Art Unit: 1651

Conf. No.: 4616

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

**TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of an Official Action, after the filing of a Request for Continued Examination (RCE).

**RELEVANCE OF EACH DOCUMENT**

Attached to the PTO/SB/08 is a European Search Report cited in related EP Patent Application No. 10 01 0944, dated 12/13/2010, Office Action cited in Canadian Patent Application No. 2,488,499, dated December 16, 2010, Office Action cited in Canadian Patent Application No. 2,475,092, and dated January 11, 2011; also listed are Office Actions cited by the Examiner(s) in related U.S. Patent Application Nos. 11/980,720, dated December 22, 2010, 12/117,982, dated February 2, 2011, 12/292,395, dated December 6, 2010, and 09/337,675, dated January 11, 2011. All of the references cited in these documents are listed on the PTO/SB/08, unless they *were already* cited in the present application.

Applicants respectfully request that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this submission under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

By 

Date: February 14, 2011

FOLEY & LARDNER LLP  
Customer Number: 31049  
Telephone: (202) 672-5538  
Facsimile: (202) 672-5399

Michele M. Simkin  
Attorney for Applicant  
Registration No. 34,717